



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, June 12, 2006, at 7:00 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Vice Mayor Xavier Garcia (Arrived at 7:04 p.m.)
Councilman Bob Best
Councilman Paul C. Dotson
Councilman Rob Youngs

Also Present:

Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police H. Randall Dilling
City Planner Richard E. Ventura
Interim Public Services Director Robert Williams
Elderly Services Director Karen Rosson
Golf Director Mike Aldridge
City Clerk Magalí Valls

2. Invocation: Councilman Youngs offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Presentation of Proposed Design for Canal Street Linear Park by Bermello, Ajamil and Partners

City Planner Ventura stated that Robert Gustafson from Bermello Ajamil and Partners would make a presentation of the proposed design for the Canal Street Linear Park Project that was awarded to the City of Miami Springs through the Florida Recreational Development Assistance Program (FRDAP) grant in April 2005.

Landscape Architect Robert Gustafson from Bermello, Ajamil and Partners said that he is working on the project in conjunction with City Planner Ventura and Operations Supervisor Tom Nash. The visual presentation would show how the canal exists today and the proposed ideas for development and that he would address questions and comments from Council after the presentation.

Mr. Gustafson said that erosion of the canal is one concern and the existing vegetation helps to hold the bank in place. The proposed development plan would carry out the historic Hook Square theme and the pedestrian connections with park entrance features adjacent to the Swing Bridge, curbing and landscape treatments. He displayed renderings on the overhead projector showing the proposed streetscape features throughout the corridor, including picnic tables, benches and landscaping.

Mr. Gustafson stated that approximately \$400,000 is available to provide recreational programs. This includes picnic shelters, pathways, landscaping, lighting, infrastructure and support. He explained that the cost estimate for the entire corridor is approximately \$850,000, and the project could be done in phases.

To answer Vice Mayor Garcia's question, Mr. Gustafson said that the parking could be 90° or angled and the pros and cons are being considered. The 90° parking would allow the "bulldogs".

Councilman Dotson asked what trees would be planted in Phase I of the project.

Mr. Gustafson said that they are planning for palm trees and canopy trees for certain areas that require enhancement, especially adjacent to the historic bridge and the pedestrian nodes.

Mayor Bain asked for a breakdown of the cost estimate for each phase of the project.

Mr. Gustafson stated that the first priority for the initial funds would be the construction of the sidewalk pathway that would cost approximately \$67,000 for 1,300 linear feet. He said that additional enhancements would follow as additional grant funds become available.

To answer Councilman Youngs' question, Mr. Gustafson said that trees are important, but the main priority in the first phase would be the 18-inch raised cap wall to provide safety along the pathway.

City Planner Richard Ventura said that the grant funds total \$150,000, including \$112,500 provided by the State and \$37,500 provided by the City as a match. One of the advantages is that additional grants could be applied for until the project is finished.

Mr. Gustafson stated that he is leaving the layout boards for Council to study so they could make suggestions or comments about the design.

Mayor Bain suggested that it would be helpful to have a list of different alternatives to choose from.

Councilman Youngs added that he would like to be able to answer specific questions about the parking, landscaping features and design.

City Planner Ventura stated that this particular block of Canal Street is in the Central Business District and the design and construction of the project goes hand-in-hand with the development of this district.

4. Open Forum:

Downtown Parking

Jorge Santin of 1249 Heron Avenue referred to the parking issues that he has faced in the Central Business District due to the fact that City vehicles are parked in the municipal parking lot. He would like to know what plans the City has to promote business and provide parking in the area.

Mayor Bain suggested that the City Manager could address Mr. Santin's concern and provide an answer at the next Council meeting.

Assistant City Manager Gorland explained that steps are being taken to address the problem and most of the City vehicles are now being parked at the end of Cross Street. He said that the City is considering use of the vacant parking lots in the area around City Hall. He clarified that the Police Department owns the parking lot across from the Police Department.

The Assistant City Manager said that he would meet with Mr. Santin to discuss parking.

Cellular Tower Flag

Joan Paul of 781 Plover Avenue stated that it is disrespectful for the City of Miami Springs to continue to fly the country's flag in a torn, frayed and faded condition on the cellular tower at Hook Square. She urged Council to take action before Flag Day, which is Wednesday, June 14th.

Mayor Bain explained that Global Signals leases the cellular tower from Sprint. He spoke with a representative that promised him the flag would be removed by 10:30 a.m. on Tuesday, June 13th.

Assistant City Manager Gorland clarified that the City does not own the flag or the tower.

Councilman Dotson added that correspondence from the City Administration indicated that the City does not have the equipment to remove the flag.

City Attorney Jan K. Seiden said that he spoke with the attorney for Sprint to request his assistance in the matter because the new company had not been responsive. He understands that the flag is so twisted at the top that it requires a special bucket truck to remove it.

Vice Mayor Garcia stated that the radio waves that are generated from the tower far exceed the normal level and special protection is required.

Mayor Bain said that he had received telephone calls and correspondence from the general public for the last two weeks and the condition of the flag is a shame. He asked the Administration to follow up if the problem is not corrected in the morning.

Assistant City Manager Gorland said that Global Signals has agreed to replace the flag on a quarterly basis and more often if required.

Councilman Youngs suggested that if the problem continues in the future that the City could hire a contractor to remove the flag and charge the cellular company.

Mayor Bain explained that he gave direction to the City Manager to pay for the expense to remove the flag, which should be done if it is not taken care of as promised.

Canal Street Project

Bob Schwinger of 8 Canal Street asked if the Canal Street project includes plans for traffic calming such as prohibiting no right turns off the bridge because the school buses race up the street. He added that the location of the temporary bus stop is becoming a problem for the residents on Canal Street and it might be better to relocate it to the end of Curtiss Parkway at the Circle.

5. Approval of Council Minutes:

5A) 05/22/2006 – Regular Meeting

Minutes of the May 22, 2006 Regular Meeting were approved as written.

Councilman Youngs moved to approve the minutes and Councilman Best seconded the motion, which was unanimously carried on roll call vote.

6. Reports from Boards & Commissions:

6A) 05/18/2006 – Historic Preservation Board – Minutes

Minutes of the May 18, 2006 Historic Preservation Board meeting were received for information without comment.

6B) 05/25/2006 – Code Review Board – Cancellation Notice

Cancellation Notice of the May 25, 2006 Code Review Board meeting was received for information without comment.

6C) 05/31/2006 – Board of Appeals – Cancellation Notice

Cancellation Notice of the May 31, 2006 Board of Appeals meeting was received for information without comment.

6D) 05/23/2006 – Golf and Country Club Advisory Board – Minutes

Minutes of the May 23, 2006 Golf and Country Club Advisory Board meeting were received for information without comment.

6E) 06/06/2006 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the June 6, 2006 Code Enforcement Board meeting was received for information without comment.

6F) 06/05/2006 – Zoning and Planning Board – Minutes

Minutes of the June 5, 2006 Zoning and Planning Board meeting were received for information without comment.

6G) 06/05/2006 – Board of Adjustment – Approval of Actions Taken at their Meeting of June 5, 2006, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of June 5, 2006 were approved subject to the 10-day appeal period.

Councilman Youngs moved to approve and Vice Mayor Garcia seconded the motion, which was carried unanimously on roll call vote.

Agenda Item 11A was discussed at this time.

7. Public Hearings:

7A) Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Enacting New Code of Ordinance Section 150-033, Permanent Electrical Generators; Providing for Approved Locations; Establishing Standards and Regulations for Installation; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date (First Reading: 5/15/2006 – Advertised: 5/18/2006)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden explained that this is the second reading and public hearing on the ordinance that will allow the location of permanent electric generators in side and rear yards of residential home sites.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Vice Mayor Garcia moved to adopt the ordinance and Councilman Best seconded the motion, which carried 5-0 on roll call vote (Ordinance No. 935-2006).

7B) Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-002 (C) (38), Definitions - Floor Area; to Provide Additional Exclusions to the Computations of Floor Area; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 5/15/2006 – Advertised: 5/18/2006)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden explained that he added the following language that was inadvertently left out: “(38) *Floor Area*. The sum of the gross horizontal areas of the several floors of a building or buildings. Exclusions:”

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Councilman Youngs moved the item as proposed with the addition provided by the City Attorney and Councilman Best seconded the motion.

Councilman Youngs said that he is in favor of adopting the ordinance but that he would like to address the concerns raised by Councilman Dotson at the last meeting.

Councilman Dotson stated that Council never reviewed the existing text and exclusions contained within Code of Ordinance Section 150-002 (C) (38) as set forth in the fourth whereas clause. He remembers the proposal for (f), (g), (h) and (i) but no consideration was given to exclusions (a) through (e).

Councilman Dotson said that he especially has a problem with (c), which is attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet, six inches or 90-inches. He felt that this exclusion would be circumventing the floor area ratio (FAR) by excluding space that would amount to an entire floor that could be utilized for office space.

Attorney Seiden stated that exclusions (a) through (e) were provided as part of the proposal when the district boundary regulations were considered. He clarified that there was no discussion about eliminating any provisions and that he added the provisions that were recommended by the citizens.

Attorney Seiden explained that the district boundary regulations would include the proposed revisions if the ordinance is adopted.

Councilman Youngs suggested changing the language of the “whereas” clause that Councilman Dotson referred to.

Councilman Dotson said that he understood that Council would create district boundary regulations that would be consistent with the Comprehensive Land Use Plan.

Attorney Seiden advised that Council could adopt the ordinance if there are no objections to (f), (g), (h) and (i) and come back to re-examine the ordinance at a later date.

Councilman Dotson said that he would like to re-examine the ordinance at the next meeting. He reiterated that he is concerned with (c) and does not have a problem with (f), (g), (h) or (i).

City Attorney Seiden asked the City Planner to provide backup or support for exclusion (c) for the next meeting.

On roll call vote the motion was unanimously carried (Ordinance No. 936-2006).

8. Consent Agenda: (Approved with one motion)

8A) Approval of City Attorney’s Invoice for May 2006 in the Amount of \$9,003.50

There was no discussion regarding this item.

Vice Mayor Garcia moved to approve and Councilman Dotson seconded the motion, which was unanimously carried on roll call vote.

8B) Recommendation that Council Approve a Cash Match Expenditure in the Amount of \$1,088.00 of the Total Budgeted Byrne Grant of \$4,351.00 to be Paid out of the Law Enforcement Trust Funds

To answer Councilman Dotson's question, Chief of Police Dilling said that the proceeds of the Byrne Grant are utilized to provide funding to help to clear the backlog of scanning the old police reports. He explained that optical imaging gives the advantage of being able to destroy the paper reports once they are electronically reproduced.

Vice Mayor Garcia moved to approve and Councilman Dotson seconded the motion, which was unanimously carried on roll call vote.

9. Old Business:

9A) Appointment to the Education Advisory Board by Councilman Youngs (Group IV) to Fill an Unexpired Term Ending on May 31, 2007 (Dorrene Cook's seat)

Councilman Youngs **deferred** his appointment to the Education Advisory Board.

9B) Appointment to the Ecology Board by Mayor Bain for a Full 3-Year Term Ending on April 30, 2009 (Joe Podgor's seat)

Mayor Bain **deferred** his appointment to the Ecology Board.

9C) Appointment to the Ecology Board by Councilman Best (Group I) for an Unexpired Term Ending on April 30, 2009 (Laura Pilgrim's seat)

Councilman Best **appointed** Debra Robertson to the Ecology Board for an unexpired term ending on April 30, 2009.

9D) First Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-013, Fences, Landscaping, and Boundary Walls; by Establishing New Code Section 150-013, Residential Plantings, Fences, and Walls; Providing for Planting Provisions, Restrictions and Limitations for Front, Side and Rear Yards of Residential Properties; Delineating Fence and Wall Installation and Construction Provisions, Restrictions and Exclusions for Front, Side and Rear Yards of Residential Properties; Specifying Fence and Wall Materials and Locations for Front, Side, and Rear Yards of Residential Properties; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden explained that Council suggested drafting an ordinance for consideration because the moratorium for the enforcement of hedges had been in place for quite some time. He said that he amended the entire ordinance so that it is easier for everyone to understand and all references to hedges were changed to plantings.

Attorney Seiden explained that the first section on vision clearance is a combination of two of the prior sections in the former ordinance, which have not changed. This is the primary safety obligation to provide for visibility for pedestrians and vehicular traffic entering and exiting private properties. The height limitation was not changed in subsection (2) for front yard plantings. The plantings could be on the property line or within 10-feet of the property line. Special tree planting restrictions and requirements allow trees as long as they are planted in such a way that it does not create a vision clearance impediment.

Attorney Seiden said that interior plantings would be allowed as long as they are 10-feet from the property line to the height of 6-feet without any further restriction. Hedges along the house, as long as they are within five-feet of the structure, can grow to the height of the house. Most interior plantings are decorative and not meant to be boundary type blockades, and the Administration felt that 6-feet would be a reasonable limitation.

Attorney Seiden explained that the standard restrictions provide for no new Ficus hedges or trees in any locations. Side and rear yard plantings are without height limitations as long as they are properly maintained. The limitation for Ficus hedges changed from six to eight feet and the Code Compliance Department believes that they can enforce the proposed ordinance reasonably and fairly.

Attorney Seiden said that the vision clearance for fences and walls remains unchanged as well as the height, except for the 10-feet to the interior. No fences or walls are permitted after the 10-feet and side yard fences and wall height remain limited to 6-feet.

Attorney Seiden stated that he would recommend Joan Paul's suggestion that she made at the last meeting to wipe out any citations that were issued before the moratorium went into effect but he would not recommend refunding the \$50.00 variance fee.

Discussion ensued regarding those properties that do not have sidewalks.

Joan Paul of 781 Plover Avenue asked to establish a grandfather clause or sunset provision in the ordinance for those residents who have lived in the city for many years and maintained their front yard hedges above the 3-1/2 foot height without any safety issues. She would like the City to delete all pending front yard violations and to refund the \$50.00 to the persons who have applied for a variance with a letter of explanation. Ms. Paul said that Code Compliance should initiate an exclusive sweep of the City Code and residents who receive a violation could comply or apply for a variance.

City Attorney Seiden said that grandfathering would not be appropriate because the ordinance has been on the books for the entire period of time, whether or not it was enforced. Grandfathering is appropriate only for those situations that were in existence prior to the law changing.

Augusto Monge of 193 Corydon Drive stated that the proposed changes to the ordinance might make it easier to understand, but they do not change much of the core that was previously discussed. He has a front yard hedge of approximately 6-feet that extends to the front of the property and provides privacy from his neighbor. He added that there have not been any safety issues and cutting the hedge would diminish the beauty and value of his property. He hoped that Council would continue the moratorium until a compromise could be reached in order to avoid a heated debate.

Further discussion ensued regarding the height of front side yard hedges.

Mayor Bain suggested that 6-foot plantings in the front side yard could be allowed as long as the plantings are set back at least 10-feet from the front property line.

To answer Attorney Seiden's question, Council agreed that the provision suggested by the Mayor would also apply to fences and walls.

Councilman Youngs stated that Council could approve the ordinance as amended on first reading and schedule a Town Hall meeting to allow public input.

Mayor Bain said that he would like to approve the ordinance on first reading with the 10-foot provision and the public would have the opportunity to express their opinion during the second reading and public hearing at the June 26, 2006 Regular Meeting.

Councilman Dotson stated that he had driven around the City, there are many different situations and there is nothing humanly possible that Council could do to satisfy everyone. He would like to amend the ordinance so that it gives more latitude and remains consistent with the standards of the City.

Councilman Dotson emphasized that safety is a critical concern and he would be in favor of a 10-foot setback as suggested by the Mayor, and after that point, 6-feet or higher could be allowed. He has no objection to holding a Town Hall meeting to allow public input.

Councilman Best stated that he would agree with Mayor Bain and Council should expedite the process in order to be able to lift the moratorium.

Councilman Youngs moved the item as proposed with the change that the side front yard boundary distance be 10-feet for 3-1/2 foot plantings and 6-feet after that for plantings, fences and walls. Councilman Best seconded the motion, which was unanimously carried on roll call vote.

To answer Councilman Dotson's question, Attorney Seiden explained that the word "hedges" was changed to "plantings" because defining a hedge was difficult for the Code Compliance Department.

Further discussion ensued regarding the variance process and refunding the \$50.00 fee to those residents who applied for a variance.

Councilman Youngs said that he would like to know the total amount that would be involved.

Council **agreed** to consider the possibility of issuing refunds at a later date.

*Mayor Bain asked for a recess at 8:30 p.m.
The Council Meeting reconvened at 8:40 p.m.*

9E) Discussion Regarding Possible Amendments to the Comprehensive Plan Related to the Airport Marine and Highway Business District

City Planner Richard Ventura presented the proposed changes to the Future Land Use Element. The proposed revisions, which are all additions to the existing Airport, Marine and Highway Business District (AMHBD) Category of the Comprehensive Plan's Part II: Goals, Objectives and Policies, address the following:

1. A change to the maximum Floor Area Ratio (FAR) for that area of the AMHBD north of N. W. 36th Street.
2. Incorporating a residential component to that area of the AMHBD north of N. W. 36th Street.
3. Dividing the AMHBD into three smaller districts.

Discussion ensued regarding multi-family residential use, including condominiums and apartments in the proposed Airport/Golf area bounded by Curtiss Parkway, Fairway and Deer Run.

Mayor Bain said that Council is considering an amendment to the Comprehensive Plan to allow mixed-use and whether or not to allow apartments or condominiums could be considered in the future. He recommended a 1.0 FAR for the Airport/Golf area, and a 3.0 FAR for the 36th Street Corridor.

Councilman Dotson stated that residential use should only be allowed in the Airport/Golf area and N. W. 36th Street from the Comfort Inn east to the bridge should be commercial use that would generate the maximum tax revenue. His concern is about increasing density in terms of population.

City Planner Ventura suggested that the language in number (6) could be revised to restrict multi-family residential use to the Airport/Golf area.

City Planner Ventura said that he would not want to set a number for the FAR without adequate testimony from professionals as to what the City could realize in terms of enhancing its tax base. He said that it would be beneficial to know what FAR would encourage development based on the current real estate market.

City Attorney Seiden stated that a floating FAR that is set in the district boundary regulations would be a method to provide incentives and benefits to people who are willing to develop what the City wants. He added that many cities have incentive programs for developers who provide additional parking, landscaping or other amenities and the floating FAR could vary from 1.0 to 3.0, subject to compliance with the district boundary regulations.

Attorney Seiden explained that the district boundary regulations could be changed with one month notice as opposed to the lengthy process to change the Comprehensive Plan. He said that the Architectural Review Board would review projects for compliance before they come to Council for site plan review.

Mayor Bain stated that the FAR for the Airport/Golf area should be set at 1.0 in the Comprehensive Plan and the 36th Street and Abraham sections could have a floating FAR from 1.0 to 3.0.

Councilman Dotson asked how the floating FAR would be stated in the Land Use Plan.

City Attorney Seiden explained that the Land Use Plan would state that in this district the FAR would be a floating FAR between 1.0 and 3.0. The FAR of 1.0 is permitted by right and the additional FAR would be subject to meeting certain incentives and requirements that are part of the district boundary regulations enacted to implement the district.

Councilman Youngs requested additional information to further explain the floating FAR.

Attorney Seiden stated that the Land Use Code for the City of Sunny Isles Beach would provide all the information that is needed because they deal with large scale commercial hotels and they have all types of incentive programs.

Vice Mayor Garcia said that he would like to focus on the ultimate goal for the AMHBD. He would not want Council to set the FAR until the City Planner receives more information from a real estate expert.

City Planner Ventura stated that he would speak with City Manager Borgmann about consulting with an independent real estate professional that could provide information on the highest and best use for the AMHBD.

Councilman Youngs explained that a decision was made not to hire a professional to assist with the Comprehensive Plan amendment process, which means that Council is going to have to read additional information to learn about what other cities have done and to understand the concepts.

Councilman Dotson suggested considering what type of development is appropriate for the district and then considering what type of incentives to offer for that type of building in the district boundary regulations. He said that he would like the incentives to pay off by increasing the tax revenue.

City Planner Ventura stated that it would be prudent to hire a consultant that could provide the specific information.

Councilman Dotson said that he would be in favor of bringing in a consultant that has the expertise to provide the information.

Attorney Seiden added that the City Planner could provide the code regulations from other cities that have hired consultants, including Sunny Isles Beach and Aventura.

City Planner Ventura referred to the standards for the Abraham Tract south of N. W. 36th Street that are included in the 1998 Comprehensive Plan. He recommended that Council should review the allowable uses.

Attorney Seiden suggested that the allowable uses should be revised so that it would be easier for Council to make a decision. He said that the Comprehensive Plan is outdated because it includes certain criteria for expansion which will probably never happen.

City Planner Ventura stated that he had hoped to have a response to the preliminary comments on the Evaluation and Appraisal Report Process (EAR) ready for the June 26, 2006 Regular Council Meeting. A meeting was held with the head of the Miami-Dade County Department of Water and Sewer regarding the level of service standard that should be included in the revised EAR, which is the last step in providing a finished product and the suggestion was made to use the County standards.

Senior Research Associate Rosa Davis from the FIU Metropolitan Center stated that the numbers for the level of service would be available by June 19th and the problem is that there is very little time to complete the analysis, make the revisions and meet the public notice regulations. She said that it would be very difficult to have the document ready for presentation on June 26th.

Ms. Davis explained that the State of Florida Department of Community Affairs wants to make sure that the water supply is sufficient for any development the City is proposing. Currently the County is operating on an 18-month permit with respect to the water plants, which is a critical issue and the State wants to make sure the County makes the right provisions with respect to water and they are required to re-analyze their numbers and set new projections.

Ms. Davis stated that the DCA made recommendations as to how the process could be expedited and they suggested adopting the school siting amendments during the same meeting that the EAR is adopted so that the regulatory obligations are met. She asked Council when they would like to schedule the next meeting since there are no meetings scheduled for July.

Council **agreed** to schedule a Special Meeting for Monday, July 10, 2006 at 7:30 p.m. to adopt the EAR and the school siting amendments.

Ms. Davis said that after the EAR process is completed on July 10th the document would be sent to Tallahassee for final review and if it is found sufficient, the process to amend Comprehensive Plan can begin.

10. New Business:

10A) Approval of Petition to Amend the Miami Springs City Charter, as to Form Only, in Accordance with Miami-Dade County Charter Section 7.01

City Attorney Seiden stated that a copy of the proposed petition to amend the Miami Springs City Charter is included in the agenda packet that was received from Attorney Tucker Gibbs who represents the citizen group. The first step in the process is for Council to review the petition to ensure that it is the proper form, direct the City Clerk to notify Mr. Gibbs, and the citizen group would have 60-days to complete the process of collecting signatures. He added that the document is the County approved form and he believes it is appropriate.

Vice Mayor Garcia moved to approve the petition, as to form only. Councilman Best seconded the motion, which was unanimously carried on roll call vote.

Attorney Seiden stated that the City Clerk would notify Attorney Gibbs tomorrow that the petition has been approved and the signature collection process could begin.

10B) Discussion Regarding Utility Billing Services, Direction from Council as to Whether to Extend the Existing Contract with Severn Trent Services, Execute Another 3-year Contract or Prepare a Request for Proposals

Assistant City Manager Ronald K. Gorland stated that the City signed a three-year contract with Severn Trent Services for utility billing services in April 2003 and the contract allows the City to automatically renew for an additional one-year term. The City is currently charged a flat fee of \$0.51 per regular bill and \$0.87 per final notice, which does not include paper, printing, stuffing or postage for 4,500 regular monthly bills and 1,000 final notices for an annual cost of \$38,000 to \$40,000.

Mr. Gorland explained that the contract expired on April 30, 2006, and the service is being provided on a month-to-month basis. The rates would not be increased, with the exception of postage increases if the current contract is extended for an additional year. There have been no problems with the provider and the Administration recommends continuing using the services of Severn Trent.

Mr. Gorland requested direction from Council as to whether or not to extend the contract for an additional year, execute another three-year contract with the current provider, or to execute a Request for Proposals for this service.

To answer Councilman Best's question, Mr. Gorland said that Finance Director Alonso researched costs and he would like to continue with the current provider.

Mayor Bain suggested extending the contract for an additional year and negotiating a three-year contract with Severn Trent Services subsequent to the renewal.

Vice Mayor Garcia moved to extend the contract for one year only and Councilman Best seconded the motion, which was unanimously carried on roll call vote.

10C) Appointment to the Board of Parks and Parkways by Councilman Dotson (Group II) for an Unexpired Term Ending on April 30, 2009 Created by 3 Absences (Donna Hernandez' seat)

Councilman Dotson **re-appointed** Donna Hernandez to the Board of Parks and Parkways for an unexpired term ending on April 30, 2009.

10D) Resolution – A Resolution of the City Council of the City of Miami Springs, Authorizing the City to Apply for and Enter into an Urban and Community Forestry Grant Agreement with the State of Florida Department of Agriculture and Consumer Services, Division of Forestry; Authorizing Proper Execution of all Required Documentation; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Interim Public Services Director Robert Williams and Operations Supervisor Tom Nash were present to address questions from Council.

To answer Councilman Dotson's question, Operations Supervisor Nash confirmed that the City's share of the matching grant is \$8,750.00 or 25% of the total grant. The Division of Forestry allocated \$700,000 to the municipalities in the State of Florida and the amount of funds for each municipality is based on population. The \$35,000 will allow the planting of 150 trees that were lost during Hurricane Wilma last year.

Councilman Best moved the item and Vice Mayor Garcia seconded the motion, which carried 5-0 on roll call vote (Resolution No. 2006-3317).

10E) Resolution – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Charges and Fees for the Operation of the Miami Springs Golf and Country Club; Effective Date (Summer Temporary Greens Period – Estimated July 10 – September 10)

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden explained that the effective date in Section 1 of the resolution should be July 10, 2006.

Assistant City Manager Gorland stated that Golf Director Mike Aldridge is recommending Golf Course summer fees and pricing recommendations for the period that the Golf Course greens will be under renovation, beginning July 10, 2006, for an estimated time of eight to ten weeks. Weather permitting, the goal is to complete the renovations by mid-September. Mr. Aldridge is recommending an extension of the memberships for the current members for the length of time the Golf Course greens are under renovation.

Mr. Gorland referred to Exhibit “A” outlining the charges and fees that were presented as part of the Fiscal Year 2006-2007 marketing budget plan to the Golf Advisory Board at their May 23, 2006 meeting when the Board unanimously approved to support the Preliminary Golf Marketing budget plan.

Golf Director Mike Aldridge reviewed the proposed rate changes and answered questions from Council. He said that the City Manager is authorized to make interim changes.

Vice Mayor Garcia moved to adopt the resolution and Councilman Best seconded the motion, which was unanimously carried on roll call vote (Resolution No. 2006-3318).

City Attorney Jan K. Seiden advised Council that a motion would be in order to address the request to extend the current memberships the length of time the Golf Course greens are under renovation.

Vice Mayor Garcia moved to approve and Councilman Youngs seconded the motion, which carried unanimously on roll call vote.

To answer Councilman Best’s question, Mr. Aldridge stated that he would look into the Premier Card program once the greens are finished and it is included in the marketing plan that is going to be presented at the next Council meeting.

Assistant City Manager Gorland reported that rain and bad weather had a negative impact on the May results; however, the average per round increased to \$24.37. Twilight rounds represented 38.2% of rounds played or 32.9% of the revenues, while member rounds accounted for 16.6% or 4% of the revenues.

Mr. Aldridge explained that the decrease in the number of rounds was due to the decline in summer memberships. He added that the Golf Course is attracting more people who are vacationing on Miami Beach and through the cruise lines.

10F) Recommendation that Council Award Bid No. 06-05/06 for Catering Services for the Senior Center to the Lowest Bidder Meeting Specifications, Master Host (Greater Miami Caterers)

Assistant City Manager Ronald K. Gorland stated that the Administration is recommending the execution of a contract with the lowest bidder, Master Host, for a twelve-month period to provide meals to the Senior Center.

Vice Mayor Garcia moved to approve the item and Councilman Youngs seconded the motion, which carried unanimously on roll call vote.

Mayor Bain thanked Social Services Director Karen Rosson.

10G) Request that Council Approve Funding of Up to \$50,000 from the Designated Fund Balance for the Senior Center Generator

Assistant City Manager Ronald K. Gorland **tabled** the request. He explained that the Mayor found another source through the American Red Cross that submitted a quote for the same generator that is \$3,500 less expensive.

Mayor Bain stated that he had the opportunity to meet with the American Red Cross representative who informed him about the generators and a meeting is scheduled with a company representative on Wednesday, June 14th at 11:00 a.m.

10H) Request that Council Approve the Purchase of a 100KW Mobile Magnum Diesel Generator from Adams Electrical Services, Inc., in the Amount of \$33,910.00, Using Miami-Dade County Contract # 4227-2/07

Assistant City Manager Ronald K. Gorland **tabled** the request until the June 26, 2006 Regular Meeting.

11. Other Business: (Discussed after Agenda Item 6G)

11A) Request that Council Set a Date to Hear the Appeal of Board of Adjustment Case No. 32-V-06, Heard by the Board at its June 5, 2006 Meeting

Council **scheduled** the Board of Appeals meeting to hear the appeal of Case No. 32-V-06 for June 26, 2006 during the Regular Council meeting.

12. Reports & Recommendations:

12A) City Attorney

Code Revisions

City Attorney Seiden stated that the Board of Adjustment asked him to send Council a memorandum regarding three proposed changes to the Code and if there are no objections, the proposed changes could be scheduled as an agenda item for direction from Council as to whether or not they should be sent to the Code Review Board.

Council **requested** an agenda item for June 26, 2006.

12B) City Manager

Fourth of July Festivities

Assistant City Manager Gorland reminded everyone of the Fourth of July Parade and festivities at the County Club, including the fireworks. He said that the High School Band has agreed to participate.

Interim Promotions

Assistant City Manager Gorland announced the promotion of Robert Williams as Interim Public Services Director.

Summer Golf Camp

Assistant City Manager Gorland reported that Golf Professional Scott Jones has initiated the Summer Camp program that began today for one week. Subsequently, the program will be held on Mondays and Tuesdays for the next six weeks.

Basin 14 Project Supervisor

Assistant City Manager Gorland stated that Post, Buckley, Schuh and Jernigan, Inc. has agreed to change the supervising engineer for the Basin 14 Project on Plover Avenue.

931 Plover Avenue

Vice Mayor Garcia asked about the status of the request from Bob Rayon at 931 Plover Avenue to replace the grass in the swale with gravel, the same that was done with asphalt.

Assistant City Manager Gorland clarified that the City Code does not provide for gravel in the swale areas unless Council directs a change in the Code.

Vice Mayor Garcia was of the opinion that the gravel should be restored to the previous state, the same as asphalt.

Councilman Dotson stated that after calling the Public Works Department, the homeowner removed the muck from the swale and replaced it with gravel in order to solve the drainage problem. He said that there should be an investigation into this matter because the homeowner did not initiate the placement of gravel in the swale.

City Attorney Seiden said that when the homeowner initially addressed Council he suggested an investigation into how the gravel was placed in the swale. If it is confirmed that the gravel was authorized by the Public Works Department then it should be replaced.

Assistant City Manager Gorland stated that there is no evidence that the gravel was authorized at the Department Head level. He offered to look into the matter.

Vice Mayor Garcia reiterated that the gravel should be replaced the same as the asphalt was replaced for many other residents.

Councilman Youngs inquired how many homes had asphalt in the swale.

Assistant City Manager Gorland said that he would have to investigate to see how many homes have asphalt.

City Attorney Seiden reiterated that if it is confirmed that the gravel was authorized by someone on an upper level in the Public Works Department then it could be replaced.

Councilman Youngs said that the residents earn Council's trust if they are treated fairly and he agrees with Vice Mayor Garcia that the gravel should be replaced for Mr. Rayon and restored to its original state prior to the road project. He would not want to change the Code to allow gravel or asphalt in the swale areas because it could have a serious effect beyond the three or four residents who are allowed to continue the non-conforming use.

Councilman Best asked why the language in the contract for the drainage project stated that the swale was to be restored to its original state if it was not in accordance with the Code.

Additional discussion ensued regarding the gravel and asphalt installations.

Interim Public Services Director Robert Williams stated that the former Public Services Director asked him to speak with the homeowner about the drainage problem approximately one year ago. He conveyed the problem to the Public Services Director and he was told to do what he could to solve the problem, which in this case was to allow the gravel in the swale.

Council **directed** the Administration to remove the grass at 931 Plover Avenue and replace it with gravel.

Projectors

Assistant City Manager Gorland reported that the installation of two projectors in the Council Chambers is almost complete so that the audience can view power point presentations.

12C) City Council

Former Public Services Director

Vice Mayor Garcia thanked former Public Services Director Yoezle for her many years of service to the City of Miami Springs and wished her luck in her future endeavors.

Thank You

Vice Mayor Garcia thanked Chief of Police Dilling for temporarily assisting the Public Services Department to make sure that the transition went smoothly after the resignation of Director Denise Yoezle. He is confident that Robert Williams would do a very good job. Vice Mayor Garcia thanked Staff for their professionalism.

Traffic Enforcement

Vice Mayor Garcia requested increased police enforcement to stop those motorists entering the City from the incoming bridge at Curtiss Parkway and not yielding to pedestrians.

Chief of Police Dilling offered to address the matter, including the speeding on Canal Street by those cars and busses turning right after the bridge.

Downtown Parking

Vice Mayor Garcia expressed his concern about the availability of parking on Westward Drive and Curtiss Parkway in light of the new businesses coming into the area. He said that the spaces for the customers are taken by employees and business owners who should park elsewhere.

City Attorney Seiden stated that when the City improved the municipal parking lot behind the Circle area the theory was that it would be utilized by the employees in order to allow the customers to occupy the spaces in front of the businesses.

Vice Mayor Garcia added that the only parking restriction is the two-hour time limit, which is not being enforced. He suggested that the City could distribute a letter to the business owners asking to instruct their employees to park in the rear.

Request for Support

Vice Mayor Garcia referred to a request from the City of North Miami to show support of placing the Florida Power and Light electrical lines underground.

Council **agreed** to send a letter of support.

Blessed Trinity Golf Tournament

Vice Mayor Garcia announced that Blessed Trinity is sponsoring a golf tournament on Saturday, June 17, 2006.

Engineering Study

Councilman Youngs asked about the prospects for obtaining an independent engineering report with respect to the integrity of the Plover Avenue drainage project.

Assistant City Manager Gorland stated that he received a quote for an estimated price of \$2,132.00 to perform the testing by digging holes in each block area. He spoke with Patricia Carney at Post, Buckley, Schuh and Jernigan, Inc. about sonar testing and she said that it is difficult and expensive. He added that the Administration is in the process of responding to Council's request for an independent study and a recommendation should be ready for the next meeting.

Historical Museum

Councilman Youngs requested an update on the relocation of the Miami Springs Historical Museum.

Mayor Bain stated that Yvonne Shonberger told him that there are two possible locations on Westward Drive and they prefer the Woman's Club for \$1,800 per month, which includes utilities. He explained that the Historical Society would like Council to direct the Assistant City Manager to attend a meeting on June 19, 2006 to learn more about the proposal.

Councilman Dotson said that Yvonne Shonberger would like to make a presentation to Council at the June 26, 2006 meeting.

Council **requested** an agenda item for the next meeting.

Thank You

Councilman Youngs thanked County Commissioner Rebeca Sosa for three \$5,000 gifts to the City, the Miami Springs Airport Area Chamber of Commerce and the Optimist Club respectively.

Vice Mayor Garcia **requested** that Council send a thank you letter to Commissioner Sosa.

Congratulations

Councilman Dotson extended congratulations to Interim Public Services Director Robert Williams and Operations Supervisor Tom Nash.

931 Plover Avenue

Councilman Dotson stated that he hopes the same type of rocks would be replaced in the swale at 931 Plover Avenue in order to finalize the matter.

Thank You

Councilman Dotson thanked former Public Services Director Denise Yoezle for her service to the City and wished her well in the future.

Water Rates

Councilman Dotson said that he asked the City Manager to schedule an agenda item for this meeting to discuss the water rates for condominiums and apartments and hopefully it would be on the agenda for the June 26, 2006 Council Meeting.

Downtown Parking

Councilman Dotson stated that parking has been a problem for a long time and he would like the City to make a comprehensive effort in conjunction with the business owners to alleviate the problem.

Everett Williams

Councilman Dotson recognized long-time resident Everett Williams who recently passed away. He asked everyone to include him and his family in their prayers.

Thank You

Councilman Best thanked Laura Pilgrim for her service as a member of the Ecology Board.

Congratulations

Councilman Best congratulated Robert Williams and Tom Nash on their recent promotions.

Officer of the Year Awards Banquet

Councilman Best stated that the Officer of the Year Awards Banquet was a nice event and certainly appropriate to those Police Officers who were acknowledged that evening. He thanked the Optimist Club for their support.

Senator Nelson Reception

Councilman Best reported that he attended a function on Sunday, June 11, 2006 with Senator Nelson and former President Bill Clinton. He was able to speak with Senator Nelson regarding the new Recreation Center.

C-41 Borrow Canal Maintenance

Councilman Best inquired about the responsibility of the Florida East Coast Railroad in the maintenance of the C-41 Canal. He said that a number of fallen trees have affected the flow of water and increased the probability of flooding.

Attorney Seiden stated that the railroad is 100% responsible and for some reason they have given both the County and the DERM a lot of problems in this regard. The County has been doing the work to clean the canal and charging the railroad. He said that DERM is the primary enforcement arm and it is beyond the City's jurisdiction to deal with it.

Councilman Best did not feel that it is fair to the residents on the western boundary of the City who have to endure the possibility of what could occur in a flood situation.

Attorney Seiden said that City Manager Borgmann had been in touch with DERM and maybe he could be asked to follow up to see if any headway had been made.

Lion's Club Fish Fry

Councilman Best thanked the Administration for placing notice on the marquee at the Circle for the Lion's Club Fish Fry that was a success and for providing the containers.

Congratulations

Mayor Bain congratulated Robert Williams and Tom Nash on their recent promotions. He said that Robert Williams has a good rapport with the residents and it is important to know how to handle the public.

Memorials

Mayor Bain asked about the status of the memorial stand that Council approved for the Circle. He suggested that City employees could be paid overtime to construct the memorial, which has been pending for more than six months.

Interim Public Services Director Williams said that the former Director informed him that the site was under consideration.

Mayor Bain stated that the location was approved for Curtiss Parkway adjacent to the Circle.

Thank You

Mayor Bain thanked Congressman Lincoln Diaz-Balart for his support in the City's pursuit to have the County take over the sewer system and for attending the Optimist Club Fishing Tournament.

Letters of Support

Mayor Bain urged Council to write letters to urge the County to take over the sewer system.

Optimist Club Fishing Tournament

Mayor Bain stated that the Optimist Club Fishing Tournament was a big success and the highlights of the evening were the bids for the Miami-Heat basketball tickets and Vice Mayor Garcia winning the top prize.

Miami Heat

Mayor Bain wished the Miami Heat good luck in the playoffs.

Council Meeting

Mayor Bain said that tonight's meeting was productive and Council accomplished a lot of business.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 10:33 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: June 26, 2006

Transcription assistance provided by S. Hitaffer

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.